

Attorney Docket No.: N1280-00670.2002-1245
App. Serial No.: 10/781,107

REMARKS

This reply is responsive to the non-office action mailed April 21, 2008 ("Office Action"). Claims 1, 5, 10, 15, 18 and 20 have been amended to further clarify the invention claimed by the Applicant. Claims 1-20 remain pending in the application. No new matter has been added. Favorable reconsideration with a view towards allowance is respectfully requested in light of the amendments and following remarks.

CLAIMS REJECTIONS

Rejections under 35 U.S.C. § 103

Claims 1-20 stand rejected as being obvious under 35 U.S.C. 103(a) over United States Patent 5,795,688 to Burdorf ("Burdorf") in view of U.S. Patent Publication No. 2002/008952 to Rao et al. ("Rao"). Claims 1, 10, 15, and 20 are independent and addressed first below. This rejection is respectfully traversed in view of the amendments made herein and reasons presented below.

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP 2143.02 (citing *In re Royka*, 490 F.2d 981 (CCPA 74)) (emphasis added). Furthermore, "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." MPEP 2143.02 (citing *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970)).

Independent claims 1, 10, 15, and 20 have been amended to incorporate limitations related to a post inspection review process aspect of the invention that detects and corrects for false defects not attributable to the presence of actual real defects in features printed on the wafer, but instead to process parameters such as exposure tool limitations or process drift, for example (see Applicant's disclosure, paragraphs 0021 and 0022). Claims 1, 10, 15, and 20

Attorney Docket No.: N1280-00670.2002-1245
App. Serial No.: 10/781,107

now require "selectively applying bias parameters to one of either the digitized image or inspection file when false defects are detected at a post process review station between the digitized image and inspection file." Neither Burdorf or Rao teach or fairly suggest a wafer inspection method having these underlined post process review limitations. Accordingly, Applicant's invention as now claimed is distinguishable. Because Burdorf and Rao, either alone or in combination, do not teach all limitations of the claimed invention to establish a prima facie case of obviousness, claims 1, 10, 15, and 20 are believed to be allowable. MPEP 2143.02. Withdrawal of this rejection is respectfully requested.

Although the Office Action states that Burdorf discloses bias fitting a digitized image and/or inspection file (*see* Office Action, page 4 with respect to claims 5 and 18), a careful reading of Col. 3, lines 40-50 of Burdorf cited in the Office Action reveals that bias fitting in general, and specifically applying bias fitting parameters during a post process review to compensate for false defects, is not even mentioned. Accordingly, it is respectfully submitted that Burdorf fails to teach or fairly suggest any type of false defect correction process in a wafer inspection method, much less specifically using bias fitting parameters as now recited in claims 1, 10, 15, and 20.

In addition, considering Applicant's invention as a whole, MPEP 2141.02 (citing *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530 (Fed. Cir. 1983)), Applicant's claimed wafer inspection process provides a process for detecting and compensating for false defects that may occur when using a wafer inspection tool. Once bias parameters are applied to either the digitized image or inspection file after false defects are detected, as now claimed, the inspection process may be repeated and a new comparison made with the applied selective bias parameters between the actual printed feature on the wafer and the inspection file. The false defect errors

RECEIVED
CENTRAL FAX CENTER
JUL 18 2008

Attorney Docket No.: N1280-00670.2002-1245
App. Serial No.: 10/781,107

may therefore be eliminated to yield a valid wafer inspection test. Neither Burdorf or Rao provide a false defect detection and correction method, nor the benefits of wafer inspection tests that compensates for false defects as provided by Applicants claimed invention.

Independent claims 10, 15, and 20 have been further amended to further clarify the claimed invention and require "comparing the digitized image and the inspection file by the inspection tool a second time with the applied selective bias parameters when false defects are detected." Neither Burdorf or Rao teach or fairly suggest conducting a second wafer and inspection file comparison test with the applied selective bias parameters. Accordingly, claims 10, 15, and 20 are allowable for these additional reasons.

In sum, Applicant respectfully requests allowance of claims 1, 10, 15, and 20. Claims 2-9, 11-14, and 16-20 depend from claims 1, 10, and 15, respectfully. Accordingly, these dependent claims are believed to be allowable based on the allowability of their independent claims, and for the additional limitations added that further distinguish over the cited prior art. In addition, Applicant notes that claims 5 and 18 have been amended to recite that "a false defect is detected that is caused by one of either exposure tool limitations or process drift." to further distinguish the invention recited in these claims from the cited prior art.

CONCLUSION

In view of the foregoing, Applicants respectfully request favorable reconsideration and allowance of all pending claims. If the Examiner disagrees with the allowability of the claims, Applicant respectfully requests in advance a telephonic interview with the Examiner to resolve any remaining issues and expedite prosecution. The Examiner is kindly requested to contact the Applicant's undersigned representative at 215.979.1554 for that purpose.

Attorney Docket No.: N1280-00670.2002-1245
App. Serial No.: 10/781,107

Respectfully submitted,

Dated: July 18, 2008

By:


Frank J. Spanitz Reg. No. 47,104

CUSTOMER NO. 54657
Duane Morris, LLP
30 S. 17th Street
Philadelphia, PA 19103-4196
Telephone: (215) 979-1000
Telecopier: (215) 979-1020